

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR162
)	
vs.)	ORDER
)	
RUBEN LOPEZ CAZARES,)	
)	
Defendant.)	

Defendant Ruben Lopez Cazares (Lopez Cazares) was arraigned on the Indictment in this matter on May 9, 2005. The government represented this case was related to that of *United States v. Jesus Padilla, et al.*, 8:05CR131 (D. Nebr.). Following a discussion with counsel, this matter will be consolidated for deadlines and hearings with *United States v. Padilla, et al.* Accordingly,

IT IS ORDERED:

1. **On or before May 20, 2005**, the defendant shall accomplish all discovery as contemplated by Fed. R. Crim. P. 16 (b) and shall have a continuing duty to disclose such evidence pursuant to Fed. R. Crim. P. 16 (c).
2. **On or before June 30, 2005**, the government shall file a notice of the intercepted communications and visual images the government intends to introduce in evidence in its case in chief. Copies of the transcripts of such intercepted communications shall be served simultaneously on counsel for the defendant.
3. **On or before June 30, 2005**, the government shall file a statement as to the entry and exit dates of the defendant conspirators.
4. Any motion relating to discovery matters or for a bill of particulars shall be filed **on or before July 15, 2005**. The government shall have ~~to~~ **on or before July 29, 2005**, in which to file a responsive omnibus brief on all such motions then pending.
5. Any of the following motions shall be filed **on or before August 1, 2005**:
 - a. Any motion related to the conduct of the grand jury proceedings;
 - b. Any motion based on defects in the institution of the prosecution; and

c. Any motion based on defects in the indictment.

The government shall have until **on or before August 15, 2005**, in which to file a responsive brief on all such motions then pending.

6. Any notice of an insanity defense under Fed. R. Crim. P. 12.2 shall be filed **on or before August 19, 2005**.

7. All other pretrial motions, including motions to suppress evidence, shall be filed **on or before August 22, 2005**. Defendants in *United States v. Padilla, et al.*, and the defendant in this case **may not** adopt other defendants' motions or briefs simply by filing a motion of adoption. Defendants may join other defendants' motions and briefs but such motions and briefs must so indicate. The government's responsive briefs shall be filed **on or before September 12, 2005**.

10. Counsel shall reserve on their calendars time for an omnibus evidentiary hearing in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **on September 27-29, 2005**, for motions then pending.

11. The court finds that this case is unusual and complex due to the nature of the prosecution and the existence of novel questions of law and fact. For these reasons it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act, and the time requested by counsel serve the ends of justice and outweigh the interests of the public and defendant in a speedy trial. **See**, 18 U.S.C. § 3161(h)(8)(A) & (B). As a result, time is **excluded from May 9, 2005 through and including August 22, 2005**.

DATED this 9th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge